

JS 44 (Rev. 10/20)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

STEPHEN HOPKINS  
6231 N. 16TH STREET  
PHILADELPHIA, PA 19141

(b) County of Residence of First Listed Plaintiff PHILADELPHIA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

MATKOFF & SHENGOLD  
DAVID S. BERMAN, ESQUIRE  
1101 MARKET STREET, SUITE 2500, PHILADELPHIA, PA 19107  
(215) 922 - 6073

**DEFENDANTS**

UNITED STATES POSTAL SERVICE & UNITED STATES OF AMERICA  
6150 N. BROAD STREET DEPARTMENT OF JUSTICE  
PHILADELPHIA, PA 19141 10TH & CONSTITUTIONAL AVENUE NW  
WASHINGTON, DC 20530

County of Residence of First Listed Defendant PHILADELPHIA  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☒ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1346

Brief description of cause:

Premises Liability

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

5-17-22

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**MATKOFF, SHENGOLD, BURKE,  
BLYWEISS & ARBITTIER**

**By: David S. Berman**

**I.D. # 66913**

**dberman@matkoffshengold.com**

**Suite 2500**

**1101 Market Street**

**Philadelphia, PA 19107**

**(215)-922-6073**

**Attorney for Plaintiff**

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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**STEPHEN HOPKINS**

6231 N. 16<sup>th</sup> Street

Philadelphia, PA 19141

v.

**UNITED STATES POSTAL SERVICE**

6150 N. Broad Street

Philadelphia, PA 19141

**&**

**UNITED STATES OF AMERICA**

Department of Justice

10<sup>th</sup> & Constitutional Avenue NW

Washington, DC 20530

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**COMPLAINT**

1. Jurisdiction is founded under the Federal Tort Claims Act, 28 U.S.C. Section 1346(b).
2. Defendant, the United States Postal Service (hereinafter "USPS"), is a federal agency governed by the laws and statutes of the United States of America.
3. The matter in controversy exceeds the sum of seventy-five thousand (\$75,000.00) Dollars.
4. Not more than six (6) months prior to the filing of this action, the claims set forth herein were denied by USPS on March 18, 2022.
5. Plaintiff, Stephen Hopkins ("Plaintiff"), is an adult individual, citizen and resident of the Commonwealth of Pennsylvania, residing at 6231 N. 16<sup>th</sup> Street, Philadelphia, PA.
6. Defendant, the United States Postal Service ("USPS"), is a federal government agency

maintaining a principal place of business at 6150 N. Broad Street, Philadelphia, PA 19141.

7. Defendant, the United States of America, is the federal government and maintains its principal offices at 10<sup>th</sup> & Constitution Avenue NW, Washington, DC 20530.
8. At all times relevant hereto, USPS, acting on behalf of Defendant, the United States of America, was a tenant of 6150 N. Broad Street, Philadelphia, PA 19141, occupying said Premises and, as such, was responsible for maintenance and care of the Premises.
9. On or about August 27, 2019, on or about 10:45 P.M., at 6150 N. Broad Street, Philadelphia, PA, the Plaintiff was lawfully upon the sidewalk when his feet came into contact with a certain dangerous condition resulting from a wire in a missing sidewalk block that caused the Plaintiff to get tangled, and thrown from his position and to sustain serious and permanent personal injuries hereinafter more fully set forth. (See Exhibit "A")
10. As a result of the accident, the Plaintiff has sustained injuries including, but not limited to, left ankle strain and sprain, as well as injuries to his muscles, nerves and bones, all of which injuries may be permanent or cause a serious and permanent impairment of bodily function.
11. As a further result of the accident, the Plaintiff has been in the past and may be in the future prevented from attending to his usual activities, duties, and occupations to his great financial detriment and loss.
12. As a further result of the accident, the Plaintiff has in the past and may in the future be caused to suffer from worry, anxiety, apprehension and frustration.
13. As a further result of the accident, the Plaintiff has in the past and may in the future suffer from humiliation, embarrassment, and degradation.
14. As a further result of the accident, the Plaintiff has in the past and may in the future experience great physical, mental and emotional pain and suffering and other non-economic

losses.

15. As a further result of the accident, the Plaintiff has in the past and may in the future be caused to suffer loss of the pleasures and enjoyments of life.
16. As a further result of the accident, the Plaintiff has in the past and may in the future suffer loss of earnings and/or earning capacity to his great financial detriment and loss.
17. As a further result of the accident, the Plaintiff has in the past incurred and may in the future continue to incur medical expenses in an endeavor to treat and cure himself of the injuries sustained in the aforesaid accident, for which a claim is hereby made.

**COUNT I**

**STEPHEN HOPKINS V. THE UNITED STATES POSTAL SERVICES ("USPS")**

18. The Plaintiff hereby incorporates paragraphs one through seventeen as though same were fully set forth herein, at length and in full.
19. The Defendant, USPS, owed a duty of care to Plaintiff and violated said duty of care by the following negligent and careless acts:
  - a. Failure to regard the point, position and safety of Plaintiff;
  - b. Failure to maintain the aforesaid Premises in a safe manner for those lawfully upon said premises;
  - c. Failure to warn the Plaintiff of the aforesaid dangerous condition of which the Defendant knew or could and should have known in time to have remedied same;
  - d. Failure to properly, adequately, and timely remove the dangerous condition and/or otherwise to make the Premises safe;
  - e. Failure to anticipate the hazard to which the Plaintiff was exposed to;
  - f. Failure to remedy the hazard to ensure the safety of those lawfully traveling through said location, including Plaintiff;



- g. Failure to barricade and inspect; and
- h. Failure to properly hire, train and/or instruct Defendant's agents, servants, workmen or employees.

**WHEREFORE**, the Plaintiff demands Judgment against the Defendant in the amount not in excess of Arbitration limits.

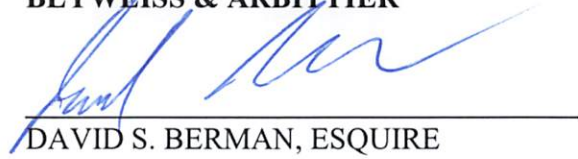
**COUNT II**  
**STEPHEN HOPKINS V. THE UNITED STATES OF AMERICA**

20. The Plaintiff hereby incorporates paragraphs one through nineteen as though same were fully set forth herein, at length and in full.
21. The Defendant, the United States of America, owed a duty of care to Plaintiff and violated said duty of care by the following negligent and careless acts:
- a. Failure to regard the point, position and safety of Plaintiff;
  - b. Failure to maintain the aforesaid Premises in a safe manner for those lawfully upon said premises;
  - c. Failure to warn the Plaintiff of the aforesaid dangerous condition of which the Defendant knew or could and should have known in time to have remedied same;
  - d. Failure to properly, adequately, and timely remove the dangerous condition and/or otherwise to make the Premises safe;
  - e. Failure to anticipate the hazard to which the Plaintiff was exposed to;
  - f. Failure to remedy the hazard to ensure the safety of those lawfully traveling through said location, including Plaintiff;
  - g. Failure to barricade and inspect; and
  - h. Failure to properly hire, train and/or instruct Defendant's agents, servants, workmen or employees.

**WHEREFORE**, the Plaintiff demands Judgment against the Defendant in the amount not in excess of Arbitration limits.

Respectfully Submitted,

**MATKOFF, SHENGOLD, BURKE,  
BLYWEISS & ARBITTIER**



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DAVID S. BERMAN, ESQUIRE

**VERIFICATION**

I, David S. Berman, Esquire, aver that I am the attorney for the Plaintiff, Stephen Hopkins, in this case, and I verify that the averments contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief; and that the statements therein are made subject to the penalties of 18 Pa. C.S., Section 4904, relating to unsworn falsification to authorities.



DAVID S. BERMAN, ESQUIRE

# EXHIBIT

"A"



Google Maps 6160 PA-611



Image capture: Sep 2019 © 2021 Google

Philadelphia, Pennsylvania



Street View

